

PROPOSED TEXT

Amend California Code of Regulations, title 22, sections 66266.1 and 66266.2 to read:

§66266.1. Recyclable Hazardous Waste Disposal Statement: Justification Statement for Disposal of a Recyclable Hazardous Waste

(a) ~~Within 180 days of the disposal of a recyclable~~ Whenever any hazardous waste ~~of a type listed in section 66266.2, has been transported off site for disposal~~ the Department may request the generator of such waste to provide the Department with a written statement justifying having not recycled the waste. A generator requested to provide such a statement shall comply within 30 days of the Department's written request.- ~~If the request is made of a person other than an individual, the statement shall be issued by the responsible management of that entity.~~

(b) The Department's request for a statement from the waste generator pursuant to subdivision (a) above shall cite a special property or component of the waste and a possible use or method of recycling ~~reclamation on the basis of which the Department considers that the waste might feasibly be recycled.~~ that the Department considers economically or technically feasible.

(c) The statement from the waste generator pursuant to subdivision (a) above that justifies ~~justifying~~ having not recycled a hazardous waste ~~pursuant to subdivision (a) above~~ shall include, at a minimum, but need not be limited the following information:

(1) the general description, source, chemical composition, physical state, and amount of the waste;

(2) the amount of similar waste discarded or recycled during the 365-day period preceding the disposal in question;

(3) an estimate of the amount of similar waste to be generated by the generator in the 365-day period succeeding the disposal in question;

(4) a summary of efforts made to find a use for the waste such as the following:

(A) use without processing;

(B) use after processing to remove or modify undesired impurities;

(C) use as a source of energy by the generator or by another person;

(5) the technologic, economic or other reason for not recycling the waste, taking into account relevant factors, which may include any of the following:

(A) the available amount and the storability of the waste;

(B) chemical, physical, toxicological or other properties of the waste which might affect its recyclability;

(C) the concentration or recoverability of the chemical component, chemical reactivity, fuel value or other attribute cited by the Department pursuant to subdivision (b) above which may determine the feasibility of recycling the waste;

(D) the processing required in recycling the waste and the availability and cost of suitable processing technology and facilities;

(E) the marketability of the waste ~~as such~~ or ~~as~~ its reclaimed components in terms

of the distance from the waste source to the point of use or reclamation, the costs of handling and transport, and the current market prices for the individual waste components as pure or technical grade materials.

(d) A generator who wants to justify its disposal of hazardous waste based on a determination that recycling the waste would constitute an unacceptable environmental or business risk, shall base that determination on a diligent investigation or an environmental audit. The diligent investigation or environmental audit shall be submitted as part of the justification statement, along with the information described in subdivision (c).

(e) ~~(d)~~ The justification statement shall identify all ~~indicate what~~ information contained therein ~~that the generator believes is considered to be~~ a trade secret as defined in Health and Safety Code sections 25173 and 25358.2. It is the obligation of the generator claiming the trade secret to substantiate the claim. The Department shall notify the generator when the Department has made its determination regarding the generator's claim that certain information ~~keep confidential trade secrets~~ contained in the any statement submitted to the Department pursuant to this section ~~is a trade secret~~.

(f) The Department shall notify the generator, in writing, of the Department's findings after it has reviewed the generator's justification statement.

(g) A generator who disposes a hazardous waste at least 30 days after the generator receives a notice of the Department's finding that the waste is economically and technologically feasible to recycle, is subject to five times the disposal fee that would otherwise apply to the disposal of that hazardous waste.

NOTE: Authority cited: Sections ~~208~~, 25150 and 25175, Health and Safety Code.
Reference: Sections 25159.5 and 25175, Health and Safety Code.

§66266.2. List of Recyclable Hazardous Wastes Types.

(a) ~~Wastes of the types cited on the list of Recyclable Hazardous Wastes in subdivision(b) are wastes types which the Department finds to be both economically and technologically feasible to recycle.~~

(b) List of Recyclable Hazardous Wastes [~~Types (including examples of potential recycling methods or uses):~~]

~~—— (1) commercial chemical products including unused laboratory grade products (return to manufacturer or supplier or turn over to chemical salvager for resale or resource recovery; sell or barter to another consumer);~~

~~—— (2) solvents, used or contaminated (reclaim, in-plant or through custom solvent reclaimer, by purification processes of rectification, ion exchange, adsorption, or extraction; or if combustible, use in-plant or sell for use as energy resource for heating, cooling, or power generation), including:~~

~~—— (A) halogenated solvents such as trichloroethane, perchloroethylene, methylene dichloride, chloroform, carbon tetrachloride, Freons (R);~~

~~—— (B) oxygenated solvents, such as acetone, methyl ethyl ketone, methanol, ethanol, butanol, ethyl acetate;~~

~~—— (C) hydrocarbon solvents, such as hexanes, Stoddard, benzene, toluene, xylenes, paint thinner;~~

~~—— (3) used or unused petroleum products, including motor oils, hydraulic fluids, cutting lubricants, fortified weed oils (turn over to reclaimer of motor oils and other petroleum products for recovery of petroleum components; or use in-plant, or sell for use as energy resource for heating, cooling, or power generation);~~

~~—— (4) pickling liquor (recover iron salts by concentration, e.g., by solar evaporation of spent liquor);~~

~~—— (5) unspent acids, such as hydrochloric, hydrofluoric, nitric, phosphoric, sulfuric, in concentrations exceeding 15% (use directly as pickling and etching acids; in neutralization of alkaline process waste streams; or in manufacture of useful salt products, e.g., ammonium salts, calcium fluoride);~~

~~—— (6) unspent alkalis, including hydroxides and carbonates of sodium, potassium, and calcium, and acetylene sludge (use directly in certain metal finishing operations; in neutralization of pickling acids and acid process waste streams; in precipitation of heavy metals; or in manufacture of useable products, e.g., calcium oxide, sulfate, fluoride, and chloride);~~

~~—— (7) unrinsed empty containers of iron or steel used for pesticides or other hazardous chemicals:~~

~~—— (A) pesticide containers (return to the registrant or, if 30- or 55-gallon size, recondition, pursuant to Title 3 California Code of Regulations, title 22 section 3143; or~~

~~shred or bale, after removal of pesticide residues by solvent or chemical action or burning, for use as steel scrap);~~

~~——— (B) hazardous chemical containers (other than pesticide containers return to product supplier or, if 30- or 55-gallon size, recondition; or shred or bale, after removal of chemical residues by solvent or chemical action or burning, for use as steel scrap);~~

acetone

benzene

butanol

carbon tetrachloride

chloroform

ethanol

ethyl acetate

Freons

hexanes

lead-acid batteries

methanol

methylene dichloride

methyl ethyl ketone

mixed hydrocarbon solvents

paint thinner

perchloroethylene

trichloroethane

toluene

xlenes

used antifreeze (ethylene glycol and propylene glycol)

used oil

NOTE: Authority cited: Sections ~~208~~, 25150 and 25175, Health and Safety Code.
Reference: Sections 25159.5 and 25175, Health and Safety Code.